IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 32555 of 2006(A)
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PETITIONER:
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P.R.BHASKARAN, PARAMBATH VALAPPIL,
P.O.KAREEKAD, POONKAVANAM, THRISSUR.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:
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1. THE DEPUTY SUPERINTENDENT OF POLICE,
KUNNAMKULAM.

2. THE CIRCLE INSPECTOR OF POLICE,
CHAVAKKAD.

3. THE SUB INSPECTOR OF POLICE,
VADAKKEKAD.

4. THE HEADLOAD & GENERAL WORKERS UNION
(CITU), PUNNAYOORKULAM, REPRESENTED BY ITS
SECRETARY, MOHANDAS.

R1 TO R3 BY G.P.SRI.P.A.SALIM
BY ADV. SRI.K.B.MOHANDAS
SRI.K.A.SREEJITH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY JUDGMENT DATED 12/8/96 IN O.P.NO.12553/96.

EXT.P2: TRUE COPY CONTRACT AGREEMENT DATED 10/7/06 EXECUTED BY THE PETITIONER.

EXT.P3: TRUE COPY OF COMPLAINT DATED 21/11/06 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

EXT.P4: TRUE COPY OF REPRESENTATION DATED 22/11/06 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P5: TRUE COPY OF RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P6: TRUE COPY OF LIST OF EMPLOYEES OF THE PETITIONER.

RESPONDENTS' EXHIBITS:

EXT.R4: TRUE COPY OF THE PHOTO IDENTIRY CARDS ISSUED BY THE REGISTERING AUTHORITY (ASST. LABOUR OFFICER, CHAVAKKAD) TO THE MEMBERS OF THE 4TH RESPONDENT UNION.

EXT.R4A: TRUE COPY OF MEMORANDUM OF UNDERSTANDING EXECUTED BETWEEN THE UNIONS AND VARIOUS MERCHANTS ASSOCIATIONS IN THE PRESENCE OF DISTRICT LABOUR OFFICER DATED 8.11.2005.

//TRUE COPY //

TKS

**J.B.KOSHY & K.PADMANABHAN NAIR,JJ.**

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W.P.(C)NO.32555 OF 2006

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Dated 19th December, 2006

**JUDGMENT**

**Koshy,J.**

This is a petition for police protection. According to the petitioner, loading and unloading work necessary for the RCC work is being carried on by his own workers. The list of workers are also produced along with the writ petition. It is the case of the petitioner that it is not a scheme covered area. If the permanent employees are not enough to carry on the work and excess work is there, petitioner undertakes that registered workers will be engaged to do the same. Members of the fourth respondent union cannot take law into their hands. If there is any dispute, they can move the machinery provided under the Headload Workers' Act for resolving the same. In the above circumstances, subject to the right of labour disputes, police is directed to give adequate protection for the work done by the permanent employees of the petitioner.

The writ petition is disposed of accordingly.

**J.B.KOSHY**
**JUDGE**

**K.PADMANABHAN NAIR**
**JUDGE**

tks